

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JOHN C. FIELD, #K2627	§	PETITIONER
	§	
VERSUS	§	CIVIL ACTION NO. 1:04cv833DMR-JMR
	§	
DOLAN WALLER, Warden;	§	
CHRISTOPHER EPPS, Commissioner of	§	
MDOC; and JIM HOOD, Attorney General	§	RESPONDENTS

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is the Report and Recommendation of the U. S. Magistrate Judge entered on April 25, 2006 [Doc. No. 17], recommending that the Motion of the Respondents to Dismiss Pursuant to the one-year limitations period of 28 U.S.C. §2244(d) [Doc. No. 14] be granted, the Motion of the Petitioner for Summary Judgment [Doc. No. 13], be denied, and John C. Field's petition filed in the above-captioned action be dismissed. After careful consideration of the record, the Objection and Exhibits filed by the Petitioner [Doc. Nos. 19-1 and 19-2], and the applicable case law, this Court is of the opinion that said Report and Recommendation will be adopted as it is neither clearly erroneous nor contrary to law as set forth in Rule 72 of the Federal Rules of Civil Procedure.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation of the U. S. Magistrate Judge entered in this cause on April 25, 2006 [Doc. No. 17], recommending that the Motion of the Respondents to Dismiss Pursuant to the one-year limitations period of 28 U.S.C. §2244(d) [Doc. No. 14] be granted, the Motion of the Petitioner for Summary Judgment [Doc. No. 13] be denied, and the Petitioner's petition filed in the above-captioned action be dismissed, be and is hereby **ADOPTED** as the finding of this Court; as such, the Motion of the Respondents to Dismiss Pursuant to §2244(d) [Doc. No. 14] shall be and is hereby **GRANTED WITH PREJUDICE**.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion of the Petitioner for Summary Judgement [Doc. No. 13] be and is hereby **DENIED** [Doc. No. 13].

IT IS FURTHER ORDERED AND ADJUDGED that a Final Judgment shall be entered in this cause.

SO ORDERED AND ADJUDGED this the 24th day of May, 2006.

/S/ DAN M. RUSSELL, JR.
UNITED STATES DISTRICT JUDGE